

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General

3 RITA M. LANE, State Bar No. 171352
Deputy Attorney General

4 110 West "A" Street, Suite 1100
San Diego, CA 92101

5 P.O. Box 85266

6 San Diego, CA 92186-5266

Telephone: (619) 645-2614

7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. *2009-303*

13 DONNA LYNN MOORE
14 5710 Crescent Park East, Apt. 313
Playa Vista, CA 90094

A C C U S A T I O N

15 Registered Nurse License No. RN 667518

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about October 13, 2005, the Board of Registered Nursing issued
24 Registered Nurse License Number RN 667518 to Donna Lynn Moore (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and expired on April 30, 2009.

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2
3
4

5
6
7
8

9
0
1
2
3

4

5

6

7
8

9

20

22

23

24
25
26
27

8

1 8. California Code of Regulations, title 16, section 1443 states:

2 As used in Section 2761 of the code, "incompetence" means the lack of
3 possession of or the failure to exercise that degree of learning, skill, care and
4 experience ordinarily possessed and exercised by a competent registered nurse as
5 described in Section 1443.5.

6 9. California Code of Regulations, title 16, section 1444 states:

7 A conviction or act shall be considered to be substantially related to the
8 qualifications, functions or duties of a registered nurse if to a substantial degree it
9 evidences the present or potential unfitness of a registered nurse to practice in a
10 manner consistent with the public health, safety, or welfare. Such convictions or
11 acts shall include but not be limited to the following:

12 ...

13 (c) Theft, dishonesty, fraud, or deceit.

14 **COST RECOVERY**

15 10. Section 125.3 of the Code provides, in pertinent part, that the Board may
16 request the administrative law judge to direct a licensee found to have committed a violation or
17 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
18 and enforcement of the case.

19 **FACTS**

20 11. Respondent was employed by Associated Health Professionals (AHP), a
21 nurse registry, from approximately January 2004 until she was terminated in January 2006. On
22 or about March 4, 2005, while working at the University of California Los Angeles Medical
23 Center, Respondent admitted stealing \$300 from the purse of a post-partum patient while the
24 patient was taking a shower. The patient reported the incident to the hospital's charge nurse and
25 the matter was investigated by the UCLA Police Department. The matter was referred to the Los
26 Angeles County District Attorney's Office for prosecution. The court dismissed the matter
27 following Respondent's successful completion of psychotherapy and restitution to the victim.

28 **FIRST CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

 12. Respondent is subject to disciplinary action under section 2761,
subdivision (a) of the Code in that on or about March 4, 2005, Respondent stole \$300 from a

1 patient's purse while the patient was taking a shower. Respondent's lack of judgment and
2 willingness to victimize a patient in her care is unprofessional conduct and is substantially related
3 to the practice of nursing.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Gross Negligence)**

6 13. Respondent is subject to disciplinary action under section 2761,
7 subdivision (a)(1) of the Code in that on or about March 4, 2005, Respondent's admitted theft of
8 \$300 from a patient in her care demonstrated unprofessional conduct and a conscious disregard
9 for the health, safety, and welfare of her patient. Such conduct was a substantial departure from
10 the standard of care expected of a registered nurse, and is substantially related to the practice of
11 nursing pursuant to California Code of Regulations, title 16, section 1444, subdivision (c).

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Incompetence)**

14 14. Respondent is subject to disciplinary action under section 2761,
15 subdivision (a)(1) of the Code in that on or about March 4, 2005, Respondent's theft of \$300
16 from a patient in her care demonstrated a failure to exercise the learning, skill, care and
17 experience ordinarily possessed and exercised by a competent registered nurse.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number RN 667518,
22 issued to Donna Lynn Moore;

23 2. Ordering Donna Lynn Moore to pay the Board of Registered Nursing the
24 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
25 Professions Code section 125.3;

26 ///


27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Taking such other and further action as deemed necessary and proper.

DATED: 5/28/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SD2009803977

-0123167.wpd